

Kaitlynn E. Welsch

From: Edwards, Gary <gedwards@bakerdonelson.com>
Sent: Tuesday, November 29, 2022 3:38 PM
To: Joseph B. Harvey
Cc: Kelley, Misty Smith; Stephen M. Darden; William C. Bovender
Subject: RE: BrightRidge v. CenturyLink

Caution: Message originated from an external sender.

Joe –

Your statement highlighted in yellow below is not correct concerning our discussion on Freeman's deposition. Bill Bovender noticed that deposition for December 9 at 2:00 p.m. EST, which is the very date and time upon which we have agreed to produce him for a deposition in Monroe, Louisiana.

With regard to your reference to the Court's Order regarding depositions (Doc. 3), we are aware of that Order. As you note that order permits instructing witnesses not to answer on a limitation on evidence directed by the Court. You should recall the Court's order (Doc. 32) on discovery related to other attachers, wherein the court limited the discovery to other attachers in the BrightRidge service area. BVU and other electric distributors are not in the BrightRidge service area. So we view efforts by BrightRidge to conduct other attacher discovery beyond that service area a violation of the evidentiary limitation set forth in that Order (as well as being overly broad, irrelevant and not proportional to the needs of the case), with the Order serving as appropriate grounds on which to instruct the witness not to answer.

At this juncture, BrightRidge has known for more than a month that CenturyLink witnesses will not be answering questions at depositions related to any other attachers outside the BrightRidge service area, and yet BrightRidge has taken no steps to modify the evidentiary limitation in place related to other attachers, with it being our view that BrightRidge has no grounds upon which to seek a modification.

Regards

Gary Edwards, Esq.
Baker Donelson
(423) 975-7634

From: Joseph B. Harvey <jharvey@hsdlaw.com>
Sent: Tuesday, November 29, 2022 2:54 PM
To: Edwards, Gary <gedwards@bakerdonelson.com>
Cc: Kelley, Misty Smith <mkelley@bakerdonelson.com>; Stephen M. Darden <sdarden@hsdlaw.com>; William C. Bovender <bovender@hsdlaw.com>
Subject: RE: BrightRidge v. CenturyLink

Gary –

We intend to ask questions at the depositions about other attachers including other electric distributors including, but not limited to, BVU. Under the Court's Order regarding depositions [Doc. # 3], counsel may object



and instruct a witness(es) not to answer only "on the ground that the answer is protected by a privilege or a limitation on evidence directed by the court." If you instruct the witness(es) not to answer a question, we intend to create a record so the issue can be fully addressed by the Court.

The times in the deposition notices we sent were based on the overall schedule proposed in the deposition notices. **None of the depositions have been scheduled on the dates in the notices, so the times in those notices have gone by the wayside as well.** We are agreeable to the 12:00 start time for Mrs. Burgoyne.

We have made arrangements for court reporters for the depositions this week.

Best,
Joe

From: Edwards, Gary <gedwards@bakerdonelson.com>
Sent: Tuesday, November 29, 2022 10:35 AM
To: Joseph B. Harvey <jharvey@hsdlaw.com>
Cc: Kelley, Misty Smith <mkelley@bakerdonelson.com>; Stephen M. Darden <sdarden@hsdlaw.com>; William C. Bovender <bovender@hsdlaw.com>
Subject: RE: BrightRidge v. CenturyLink

Caution: Message originated from an external sender.

Joe –

With regard to the start times, the 2:00 p.m. EST start time for Freeman is what Bill Bovender had requested in his notice. As for the 12 p.m. EST start time for Burgoyne, she is on pacific time, so that is 9:00 a.m. for her, so it would be unreasonable to start much earlier.

With regard to all of these depositions, as we have previously indicated, no discovery will be permitted as to any attachers outside the BrightRidge service area, to include but not be limited to BVU.

Also, we assume that you have lined up court reporters for the Buckles and Chong depositions this week.

Regards

Gary Edwards, Esq.
Baker Donelson
(423) 975-7634

From: Joseph B. Harvey <jharvey@hsdlaw.com>
Sent: Tuesday, November 29, 2022 10:20 AM
To: Edwards, Gary <gedwards@bakerdonelson.com>
Cc: Kelley, Misty Smith <mkelley@bakerdonelson.com>; Stephen M. Darden <sdarden@hsdlaw.com>; William C. Bovender <bovender@hsdlaw.com>
Subject: RE: BrightRidge v. CenturyLink

Gary –

Thank you. We will plan to take the depositions of Josh Freeman and Maggie Burgoyne on the dates indicated. Please specify a location for both depositions. We intend to take the deposition of Mrs. Burgoyne via Zoom. We may take Mr. Freeman's deposition via Zoom, but will let you know once we have

confirmed our arrangements. Also, we are agreeable to starting the depositions at the times you indicated, and don't anticipate the depositions will take the full 7-hours. But we reserve the right to take the full 7 hours if we determine we need to.

Best,
Joe

From: Edwards, Gary <gedwards@bakerdonelson.com>
Sent: Tuesday, November 29, 2022 8:29 AM
To: Joseph B. Harvey <jharvey@hsdlaw.com>
Cc: Kelley, Misty Smith <mkelley@bakerdonelson.com>; Stephen M. Darden <sdarden@hsdlaw.com>; William C. Bovender <bovender@hsdlaw.com>
Subject: RE: BrightRidge v. CenturyLink

Caution: Message originated from an external sender.

Hi Joe –

The following additional depositions are confirmed:

1. Josh Freeman on December 9 at 2:00 p.m. EST in Monroe, Louisiana
2. Maggie Burgoyne on December 22 at 12:00 p.m. EST in Seattle Washington

Still working on the others.

Regards

Gary Edwards, Esq.
Baker Donelson
(423) 975-7634

From: Edwards, Gary
Sent: Monday, November 28, 2022 8:53 AM
To: Joseph B. Harvey <jharvey@hsdlaw.com>
Cc: Kelley, Misty Smith <mkelley@bakerdonelson.com>; Stephen M. Darden <sdarden@hsdlaw.com>; William C. Bovender <bovender@hsdlaw.com>
Subject: RE: BrightRidge v. CenturyLink

Hi Joe –

I am working on it, and trying to get them all in before 12/23. Most of the remaining witnesses are out of state – i.e., Burgoyne in Washington, Kennedy in Colorado, Freeman in Louisiana, etc. The plan is to have it nailed down this week.

Regards

Gary Edwards, Esq.
Baker Donelson
(423) 975-7634

From: Joseph B. Harvey <jharvey@hsdlaw.com>
Sent: Monday, November 28, 2022 8:36 AM
To: Edwards, Gary <gedwards@bakerdonelson.com>
Cc: Kelley, Misty Smith <mkelley@bakerdonelson.com>; Stephen M. Darden <sdarden@hsdlaw.com>; William C. Bovender <bovender@hsdlaw.com>
Subject: RE: BrightRidge v. CenturyLink

Good Morning, Gary –

Are there any additional depositions of CenturyLink witnesses that we can confirm, other than those listed in the email below? Currently, the depositions listed below are the only ones we are aware are confirmed.

Thank you,
Joe

From: Joseph B. Harvey <jharvey@hsdlaw.com>
Sent: Tuesday, November 22, 2022 3:50 PM
To: Edwards, Gary <gedwards@bakerdonelson.com>
Cc: Kelley, Misty Smith <mkelley@bakerdonelson.com>; Stephen M. Darden <sdarden@hsdlaw.com>; William C. Bovender <bovender@hsdlaw.com>
Subject: RE: BrightRidge v. CenturyLink

Gary –

Thank you for your emails today regarding deposition scheduling. Our understanding is that that following depositions (and only the following depositions) are confirmed:

1. Marcy Buckles on November 30 at 9:00 a.m. at BDBC in Johnson City.
2. Andrew Chong on December 1 at 9:00 a.m. at BDBC in Orlando.
3. Jeff Honeycutt on December 7 at 9:00 a.m. at BDBC in Johnson City.
4. Andrew Ice on December 14 at 9:00 a.m. at BDBC in Johnson City.
5. Joseph Ryan on December 20, 2022 at 9:00 a.m. in Beaufort, North Carolina. Please specify a location.

We will wait to hear from you on dates for the remaining witnesses who are under CenturyLink's control. Could you please send us dates, or confirm that you will provide dates, for all CenturyLink witnesses to be deposed before the current discovery deadline (December 23rd)?

Finally, our understanding is that CenturyLink does not control, and you do not represent, Travis Jones, Kevin Hart, and Joe Lamb. If that is not correct, please let us know.

Best,
Joe

HUNTER·SMITH·DAVIS

SINCE 1916

LLP



Joseph B. Harvey

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From: Edwards, Gary <gedwards@bakerdonelson.com>

Sent: Tuesday, November 22, 2022 1:32 PM

To: Joseph B. Harvey <jharvey@hdsdlaw.com>; William C. Bovender <bovender@hdsdlaw.com>

Cc: Kelley, Misty Smith <mkelley@bakerdonelson.com>; Stephen M. Darden <sdarden@hdsdlaw.com>

Subject: RE: BrightRidge v. CenturyLink

Caution: Message originated from an external sender.

6. Joseph Ryan Sikes is available for his deposition on December 20, 2022 in Beaufort, North Carolina.

Regards

Gary Edwards, Esq.
Baker Donelson
(423) 975-7634

From: Edwards, Gary
Sent: Tuesday, November 22, 2022 11:57 AM
To: Joseph B. Harvey <jharvey@hsdlaw.com>; William C. Bovender <bovender@hsdlaw.com>
Cc: Kelley, Misty Smith <mkelley@bakerdonelson.com>; Stephen M. Darden <sdarden@hsdlaw.com>
Subject: RE: BrightRidge v. CenturyLink

Yes.

From: Joseph B. Harvey <jharvey@hsdlaw.com>
Sent: Tuesday, November 22, 2022 11:49 AM
To: Edwards, Gary <gedwards@bakerdonelson.com>; William C. Bovender <bovender@hsdlaw.com>
Cc: Kelley, Misty Smith <mkelley@bakerdonelson.com>; Stephen M. Darden <sdarden@hsdlaw.com>
Subject: RE: BrightRidge v. CenturyLink

Thanks, Gary. Will Andy Ice's deposition on December 14th be at Baker Donelson's office in Johnson City?

Joe

From: Edwards, Gary <gedwards@bakerdonelson.com>
Sent: Tuesday, November 22, 2022 11:45 AM
To: William C. Bovender <bovender@hsdlaw.com>
Cc: Joseph B. Harvey <jharvey@hsdlaw.com>; Kelley, Misty Smith <mkelley@bakerdonelson.com>
Subject: RE: BrightRidge v. CenturyLink

Caution: Message originated from an external sender.

Continued from below:

5. Andy Ice is available for his deposition on December 14.

Regards

Gary Edwards, Esq.
Baker Donelson
(423) 975-7634

From: Edwards, Gary
Sent: Tuesday, November 22, 2022 11:40 AM
To: William C. Bovender <bovender@hsdlaw.com>
Cc: Joseph B. Harvey <jharvey@hsdlaw.com>; Kelley, Misty Smith <mkelley@bakerdonelson.com>
Subject: RE: BrightRidge v. CenturyLink

Some Additional Items –

1. I believe we can make Jeff Honeycutt available for a deposition at BDBC in Johnson City on December 7.
2. You have noticed a deposition of Travis Jones. Isn't he a BrightRidge employee? If so, do you plan to call him as a witness at trial, and if yes, then when can you make him available for a deposition.
3. You have noticed a deposition of Kevin Hart. Mr. Hart has not worked with CenturyLink since 2013, and I believe he is now deceased.
4. You have noticed a deposition for a Joe Lamb. Neither CenturyLink nor Brightspeed had an employee by the name of Joe Lamb. Have you made arrangements for this witness to appear consistent with your notice in Johnson City on December 6?

Thanks

Gary Edwards, Esq.
Baker Donelson
(423) 975-7634

From: Edwards, Gary
Sent: Tuesday, November 22, 2022 10:50 AM
To: William C. Bovender <bovender@hsdlaw.com>
Cc: Joseph B. Harvey <jharvey@hsdlaw.com>; Kelley, Misty Smith <mkelley@bakerdonelson.com>
Subject: RE: BrightRidge v. CenturyLink

Please confirm that you do intend to depose:

1. Marcy Buckles on November 30 at 9:00 a.m. at BDBC in Johnson City
2. Andrew Chong on December 1 at 9:00 a.m. at BDBC in Orlando.

I need to get the conference rooms reserved if you are going to proceed with those depositions next week.

Regards

Gary Edwards, Esq.
Baker Donelson
(423) 975-7634

From: William C. Bovender <bovender@hsdlaw.com>
Sent: Tuesday, November 22, 2022 10:37 AM
To: Edwards, Gary <gedwards@bakerdonelson.com>
Cc: Joseph B. Harvey <jharvey@hsdlaw.com>; Kelley, Misty Smith <mkelley@bakerdonelson.com>
Subject: Re: BrightRidge v. CenturyLink

I shall respond in detail later today but if you replied to the schedule we sent to you , which you ask for, maybe I missed it.

Sent from my iPhone

On Nov 22, 2022, at 8:12 AM, Edwards, Gary
<gedwards@bakerdonelson.com> wrote:

Caution: Message originated from an external sender.

Andrew Chong is confirmed for December 1 in Orlando Florida.

Regards

Gary Edwards, Esq.
Baker Donelson
(423) 975-7634

From: Edwards, Gary
Sent: Monday, November 21, 2022 5:20 PM
To: William C. Bovender <bovender@hsdlaw.com>
Cc: Joseph B. Harvey <jharvey@hsdlaw.com>; Kelley, Misty Smith <mkelley@bakerdonelson.com>
Subject: RE: BrightRidge v. CenturyLink

Bill –

You should recall from our emails that we previously responded to you about your proposed lineup of witnesses from earlier this month. Your response was that you would get back with us about the lineup because at the time your focus was on the Chong deposition. If your getting back to us is your unilateral notices from this evening, then that is unacceptable to us. Additionally, you seem to have also overlooked that: (1) Certain of the witnesses are out of state, so you will have to travel to their locations for the depositions or plan for an electronic deposition; therefore, noticing those witnesses to a deposition in Johnson City is not appropriate; and (2) Some of the witnesses (at least one of whose full name you could not even identify in your previous list) are now retired. We are attempting to run these witnesses down and coordinate for depositions. We have already agreed to make the witnesses we can control available for deposition in December, or in January if needed, so firing unilateral notice missiles before we have coordinated is unnecessary.

As for the week following Thanksgiving, we are making Marcy Buckles available for a deposition at my Johnson City Office at 9:00 a.m. on November 30, 2022. We have an inquiry to

Andrew Chong about December 1 in Orlando Florida for his rescheduled deposition, but will confirm in the coming days (and will provide a different date if December 1 does not work). These will be the only witnesses presented for deposition by either party during that week.

We will let you know the dates available for the other CenturyLink/Brightspeed witnesses as we have them. Notably, you have dictated the dates to us on which you would make available BrightRidge witnesses for deposition.

Regards

Gary Edwards, Esq.
Baker Donelson
(423) 975-7634

From: Roberta Davis <rdavis@hsdlaw.com>
Sent: Monday, November 21, 2022 4:10 PM
To: Kelley, Misty Smith <mkelley@bakerdonelson.com>;
Edwards, Gary <gedwards@bakerdonelson.com>
Cc: Joseph B. Harvey <jharvey@hsdlaw.com>; William C.
Bovender <bovender@hsdlaw.com>
Subject: BrightRidge v. CenturyLink

Good Afternoon:

On behalf of Mr. Bovender, please find attached Notices of Deposition with regard to the above matter. Hard copies will be mailed.

Thank you
Roberta Davis

<image002.jpg>

Roberta Davis
Legal Assistant
P.O. Box 3740
1212 North
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8855

rdavis@hsdlaw.com
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